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21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN JOSE DIVISION**

24 OKLAHOMA FIREFIGHTERS PENSION AND
25 RETIREMENT SYSTEM,
26 Plaintiff,

27 vs.

28 SUNEDISON, INC., et al.,
Defendants.

Related Case No. 5:16-cv-02267-BLF

**STIPULATION AND ~~PROPOSED~~
SCHEDULING ORDER**

Judge: Hon. Beth Labson Freeman

29 ANTON S. BADRI, *Individually and on Behalf of*
30 *Others Similarly Situated*,
31 Plaintiff,
32 vs.

33 TERRAFORM GLOBAL, INC., et al.,
34 Defendants.

Related Case No. 5:16-cv-02269-BLF

1 IRON WORKERS MID-SOUTH PENSION FUND,
2 *Individually and on Behalf of Others Similarly
3 Situated,*
4 Plaintiff,

5 vs.

6 TERRAFORM GLOBAL, INC., *et al.*,
7 Defendants.

8
9 MITESH PATEL, *Individually and on Behalf of
10 Others Similarly Situated,*
11 Plaintiff,

12 vs.

13 TERRAFORM GLOBAL, INC., *et al.*,
14 Defendants.

15 SIMON FRASER, *Individually and on Behalf of
16 Others Similarly Situated,*
17 Plaintiff,

18 vs.

19 TERRAFORM GLOBAL, INC., *et al.*,
20 Defendants.

21 Related Case No. 5:16-cv-02270-BLF

22 Related Case No. 5:16-cv-02272-BLF

23 Related Case No. 5:16-cv-02273-BLF-
24 PSG

1 Pursuant to Civil Local Rules 6-2(a) and 7-12, the parties, by and through their
 2 respective undersigned counsel of record, submit the following stipulation and proposed order:

3 WHEREAS, October 23, 2015, the action captioned *Fraser v. Wuebbels et al.*
 4 (“*Fraser*”) was filed in Superior Court of California, San Mateo County;

5 WHEREAS, on December 3, 2015, the action captioned *Iron Workers Mid-South*
 6 *Pension Fund v. TerraForm Global, Inc. et al.* (“*Iron Workers*”) was filed in the Superior
 7 Court of California, San Mateo County;

8 WHEREAS, on December 9, 2015, the action captioned *Badri v. TerraForm Global,*
 9 *Inc. et al.* (“*Badri*”) was filed in the Superior Court of California, San Mateo County;

10 WHEREAS, on January 4, 2016, the action captioned *Patel v. TerraForm Global, Inc.*
 11 *et al.* (“*Patel*”) was filed in the Superior Court of California, San Mateo County;

12 WHEREAS, on March 29, 2016, the action captioned *Oklahoma Firefighters Pension*
 13 *and Retirement System v. SunEdison, Inc. et al.* (“*Oklahoma Firefighters*”) was filed in the
 14 Superior Court of California, San Mateo County;

15 WHEREAS, on April 26, 2016, Defendants removed *Fraser, Iron Workers, Badri,*
 16 *Patel*, and *Oklahoma Firefighters* to federal court;

17 WHEREAS, on May 26, 2016, Plaintiffs moved to remand *Fraser, Badri*, and
 18 *Oklahoma Firefighters* to state court [*Fraser* Dkt. 23; *Badri* Dkt. 30; *Oklahoma Firefighters*
 19 Dkt. 39-40];

20 WHEREAS, on May 27, 2016, Plaintiffs moved to remand *Iron Workers* and *Patel* to
 21 state court [*Iron Workers* Dkt. 25-26, *Patel* Dkt. 27];

22 WHEREAS, on June 1, 2016, Defendants moved to transfer *Fraser, Iron Workers,*
 23 *Badri, Patel*, and *Oklahoma Firefighters* to the Southern District of New York [*Fraser* Dkt.
 24 24-25; *Iron Workers* Dkt. 27-28; *Badri* Dkt. 31-32; *Patel* Dkt. 28-29; *Oklahoma Firefighters*
 25 Dkt. 41, 43];

26 WHEREAS, Plaintiffs’ motions to remand and Defendants’ motions to transfer are
 27 scheduled to be heard on October 6, 2016;

1 WHEREAS, Plaintiffs Fraser, Iron Workers, Badri and Patel are considering whether to
 2 request and move for the advancement of the October 6, 2016 hearing date for the pending
 3 motions for remand and to transfer;

4 WHEREAS, pursuant to N.D. Cal. Civ. L.R. 7-3, Defendants' responses to the motions
 5 to remand in *Fraser*, *Badri*, and *Oklahoma Firefighters* are due by June 9, 2016, and Plaintiffs'
 6 replies are due by June 16, 2016;

7 WHEREAS, pursuant to N.D. Cal. Civ. L.R. 7-3, Defendants' responses to the motions
 8 to remand in *Iron Workers* and *Patel* are due by June 10, 2016, and Plaintiffs' replies are due
 9 by June 17, 2016;

10 WHEREAS, pursuant to N.D. Cal. Civ. L.R. 7-3, Plaintiffs' responses to the motions to
 11 transfer are due by June 15, 2016, and Defendants' replies are due by June 22, 2016;

12 WHEREAS, due to the complexity of the issues raised in these multiple pending
 13 motions in multiple related cases, the parties will require additional time to fully address all
 14 issues, and do so in an organized and coordinated fashion;

15 WHEREAS, the parties are presently meeting and conferring over the necessary
 16 extension but have not yet agreed to the briefing schedule, and over seeking to advance the
 17 October 6, 2016 hearing date for the motions for remand and to transfer;

18 WHEREAS, to permit time for the meet and confer to be completed, and in light of the
 19 upcoming deadline for the parties' responses to the motions to remand and transfer, the parties
 20 have agreed to an interim extension, as set forth below, which provides: (1) Defendants have
 21 until and including June 16, 2016 to file their responses to the motions to remand; (2) Plaintiffs
 22 have until and including June 22, 2016 to file their responses to the motions to transfer; (3)
 23 Plaintiffs have until and including June 23, 2016 to file any reply in support of their motions to
 24 remand; and (4) Defendants have until June 29, 2016 to file any reply in support of their
 25 motions to transfer.

26 WHEREAS, the parties intend to submit a further motion on or before June 16, 2016
 27 establishing an agreed briefing schedule for the motions to remand and transfer, and for

1 requesting an advancement of the October 6, 2016 hearing date;

2 WHEREAS, the agreed schedule will not delay any scheduled hearings;

3 WHEREAS, by stipulation of the parties, Defendants are not required to plead or
4 otherwise respond to the Complaint in *Fraser, Iron Workers, Patel, or Badri* until after
5 consolidation [*Badri v. TerraForm Global, Inc. et al.*, 15-cv-06323-BLF, Dkt. 15];

6 WHEREAS, the Court has previously granted Defendants' Administrative Motion to
7 Extend Time to Respond to the Complaint in *Oklahoma Firefighters* until after the motion to
8 remand and the motion to transfer venue are decided [*Oklahoma Firefighters* Dkt. 34];

9 WHEREAS, no other extensions of time have been granted in these actions;

10 NOW THEREFORE, the parties hereby agree and stipulate to the following interim
11 deadlines:

- 12 1. Defendants' oppositions to Plaintiffs' motions to remand in *Fraser, Iron*
13 *Workers, Badri, Patel, and Oklahoma Firefighters* shall be filed on or before
14 June 16, 2016;
- 15 2. Plaintiffs' oppositions to Defendants' motions to transfer in *Fraser, Iron*
16 *Workers, Badri, Patel, and Oklahoma Firefighters* shall be filed on or before
17 June 22, 2016;
- 18 3. Plaintiffs' replies in support of their motions to remand in *Fraser, Iron Workers,*
19 *Badri, Patel, and Oklahoma Firefighters* shall be filed on or before June 23,
20 2016;
- 21 4. Defendants' replies in support of their motions to transfer in *Fraser, Iron*
22 *Workers, Badri, Patel, and Oklahoma Firefighters* shall be filed on or before
23 June 29, 2016;
- 24 5. Notwithstanding the foregoing, on or before June 16, 2016, the parties may file
25 their further motion for an extension of the briefing deadlines on the motions to
26 remand.

Dated: June 7, 2016

Respectfully Submitted,

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1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
2

Dated: RECEIVED

Beth Labson Freeman
Honorable Beth Labson Freeman
UNITED STATES DISTRICT JUDGE